

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

MOVIE GALLERY US, LLC,

Plaintiff,

vs.

**MARK W. GREENSHIELDS,
ASSOCIATED SOURCING, and
ASSOCIATED SOURCING HOLDINGS,
INC. d/b/a VIDEO LIBRARY**

Defendants.

CIVIL ACTION NO. 2:07CV1032-MHT

JOINT MOTION TO TAKE TWO DEPOSITIONS AFTER DISCOVERY CUT-OFF

The parties jointly move for the Court's permission for the taking of two depositions after the discovery cut-off: Mr. Page Todd, Movie Gallery's Executive Vice President, Secretary & General Counsel and Mr. Roger A. Spain, who was disclosed as Defendants' expert.

The parties conferred on June 3, 2008 regarding Defendants' desire for testimony and/or additional testimony on noticed topics. Pursuant to these discussions, Plaintiff has agreed to make available for deposition Mr. Page Todd, Movie Gallery's Executive Vice President, Secretary & General Counsel. This deposition is to take place in Dothan, Alabama. However, because of the difficulties in coordinating Mr. Todd's schedule, as well as the respective schedules of counsel for the parties, the parties have not been able to find a mutually-agreeable date on which to depose Mr. Todd prior to the Friday, June 6 discovery cut-off.

Next, Defendants' expert report, the report of Mr. Roger A. Spain, was submitted to Plaintiff in a timely manner on Friday, May 30. Plaintiff noticed the deposition of Mr. Spain, which is to take place in Montgomery, Alabama. However, no mutually-agreeable date for Mr. Spain's deposition could be reached prior to the Friday, June 6 discovery cutoff as a result of

counsel's respective schedules and Mr. Spain's schedule.

The parties therefore request the Court's permission for the depositions of Messrs. Todd and Spain after June 6, 2008.

Respectfully submitted,

/s J. Ethan McDaniel

J. Ethan McDaniel (MCD065)
One of the attorneys for Plaintiff

/s Charles A. Stewart

Charles A. Stewart (STE067)
One of the attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Charles Andrew Stewart, III
Quindal C. Evans
John Edward Goodman
Philip E. Cutler
Robert G. Nylander

/s J. Ethan McDaniel
OF COUNSEL